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Docket No.: 49657-274

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

: **RESPONSE UNDER 37 CFR 1.116**

Eiji HASUNUMA, et al.

: **EXPEDITED PROCEDURE**

Serial No.: 09/227,935

: Group Art Unit: 2811

Filed: January 11, 1999

: Examiner: S. Loke

For: SEMICONDUCTOR DEVICE AND MANUFACTURING METHOD THEREOF

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 CFR 1.81 (a)

Mail Stop Petitions
Commissioner for Patents
Washington, DC 20231

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Sir:

A Notice of Abandonment of the above-identified application was mailed May 13, 2003. The basis for abandonment is identified as expiration of the period for seeking court review of the decision of the Board of Appeals and Interferences, dated February 25, 2003, there being no allowed claims. This petition to withdraw the holding of abandonment, filed under 37 CFR 1.181, is submitted within two months of the Office Action holding abandonment and is, therefore, timely, in accordance with 37 CFR 1.181(f) and MPEP 711.03(c).

A Continued Application Request and accompanying Amendment were filed April 25, 2003. A copy of these documents and a filing receipt with a Patent and Trademark Office stamp dated April 25, 2003, are attached to this petition. Under 37 CFR 1.197, petitioner is permitted two months from the date of the decision of the Board

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in which to take appropriate action, *i.e.*, up to and including April 25, 2003. As the CPA request was filed within the two-month period, the application was not abandoned.

It is respectfully petitioned, therefore, that the Notice of Abandonment be withdrawn and that examination be commenced of the CPA application as amended be commenced.

Respectfully submitted,

MCDERMOTT, WILL & EMERY

A handwritten signature in cursive script, reading "Gene Z. Robinson".

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Date: May 20, 2003